

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DAVID MCCREARY,</b>  <div style="text-align: right;">Plaintiff,</div> <b>v.</b> <b>ADULT WORLD, INC.,</b>  <div style="text-align: right;">Defendant.</div>	<b>CIVIL ACTION</b>  <b>NO. 23-4332</b>
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**ORDER RE: MOTION TO DISMISS**

**AND NOW**, this 4th day of April 2024, upon consideration of Defendant Adult World, Inc.'s Motion to Dismiss (ECF 4), Plaintiff David McCreary's Response (ECF 6), and Defendant's Reply (ECF 7), it is hereby **ORDERED** that Defendant's Motion is **GRANTED IN PART, DENIED IN PART**, and with **LEAVE TO AMEND**, as follows:

1. Defendant's motion to dismiss Plaintiff's Title VII claim is **DENIED**.
2. Defendant's motion to dismiss Plaintiff's PHRA claim is **GRANTED, WITHOUT PREJUDICE**, as the Court approves Plaintiff's right to amend his Complaint following the completion of the administrative process, if that claim has not been administratively resolved.

**BY THE COURT:**

/s/ **Michael M. Baylson**

**Dated: April 4, 2024**

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**MICHAEL M. BAYLSON**  
**United States District Court Judge**